

## IN THE CLAIMS

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claims 1-4 and 16-18 and CANCEL claims 29-43 without prejudice or disclaimer in accordance with the following:

**Claim 1 (Currently Amended)** A recording medium, comprising:

a data area disposed between a lead-in area and a lead-out area, including a user data area to record data, and at least a spare area storing~~a replacement area that is a substitute for a defective area of the recording medium~~replace a defective area occurring in the user data area; and

a temporary defect management area storing (DMA) arranged in at least one of the lead-in area and the lead-out area, to store temporary management defect~~information~~ identifying the defective area and the replacement area,

wherein position information regarding the defective area is recorded in the replacement area.

**Claim 2 (Currently Amended):** The recording medium of claim 1, wherein the ~~temporary management defect~~ information includes defect management information to manage the defect information, and wherein the defect management information is updated in the temporary defect management area (DMA) every recording operation or in response to a predetermined number of recording operations.

**Claim 3 (Currently Amended):** The recording medium of claim 2, further comprising a temporary defect management area (TDMA) arranged in one of the lead-in area and the lead-out area in which temporary management information lastly updated in the ~~temporary defect management area~~ is recorded.

**Claim 4 (Currently Amended):** The recording medium of claim 3, wherein the ~~DMA is in at least one of a lead-in area and a lead-out area of the recording medium~~ defect

information includes a space bit map (SBM) to provide information for differentiating available clusters from unavailable clusters on the recording medium.

**Claim 5 (Previously Presented):** The recording medium of claim 1, wherein state information regarding the defective area is recorded in the replacement area.

**Claim 6 (Previously Presented):** The recording medium of claim 5, wherein the position information and state information regarding the defective area are error-correction code (ECC) encoded during ECC encoding of data recorded in the replacement area.

**Claim 7 (Previously Presented):** The recording medium of claim 5, wherein ECC encoded data and the position information and state information are recorded in the replacement area.

**Claim 8-15 (Canceled):**

**Claim 16 (Currently Amended):** An apparatus, comprising:  
a recording/reading unit ~~recording and/or reading~~ to record/read data with respect to a recording medium comprising a data area disposed between a lead-in area and a lead-out area, including a user data area and at least a spare area having a replacement area to replace a defective area occurring in the user data area; and a defect management area (DMA) arranged in one of the lead-in area and the lead-out area; and  
a controller ~~controlling~~ arranged to control the recording/reading unit to record data ~~on~~ at the replacement area, for ~~at the~~ at the defective area of the recording medium, in ~~at the~~ at the spare area of the recording medium, to record ~~temporary management defect~~ information identifying the defective area and the replacement area in ~~at the~~ at the temporary defect management area (DMA), and to record position information regarding the defective area in the replacement area.

**Claim 17 (Currently Amended):** The apparatus of claim 16, wherein the controller ~~controls the recording/reading unit to record the temporary management defect~~ information in the temporary defect management area (DMA) ~~formed in at least one of a lead-in area and a lead-out area of the recording medium~~ includes temporary defect management information to manage the defect information.

**Claim 18 (Currently Amended):** The apparatus of claim 16, wherein the controller

controls the recording/reading unit to record ~~temporary management defect~~ information lastly recorded in the ~~temporary defect management area in a~~ defect management area (DMA), during a finalizing of the recording medium.

**Claim 19 (Previously Presented):** The apparatus of claim 16, wherein the controller controls the recording/reading unit to record state information regarding the defective area in the replacement area.

**Claim 20 (Previously Presented):** The apparatus of claim 19, wherein the controller controls the recording/reading unit to ECC encode the position information and the state information with data to be recorded in the replacement area.

**Claim 21 (Previously Presented):** The apparatus of claim 19, wherein the controller controls the recording/reading unit to record the position information and state information and ECC encoded data in the replacement area.

**Claim 22-28 (Canceled):**

**Claim 29-43 (Canceled):**